



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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TECHNICAL STAFF REPORT

*Petition Accepted on January 6, 2009
Planning Board Meeting of July 8, 2009 (Advisory Authority Rules)
Zoning Board Hearing to be scheduled*

Case No./Petitioner: ZB 1077M – Veli Demirel

Location: Second Election District
South side of Frederick Road approximately 200 feet west of the intersection with Centennial Lane
Tax Map 24, Grid 1, Parcels 62 & 63; 10105 & 10109 Frederick Road (the "Property").

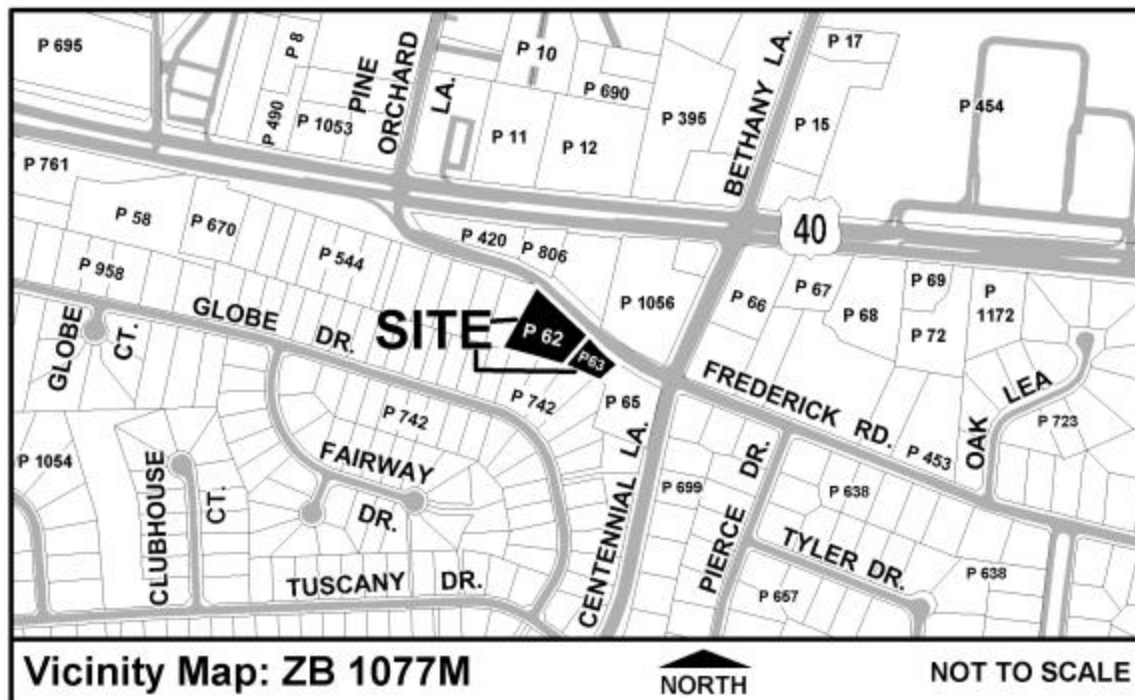
Area of Site: 1.52 acres total (the "Property" or "Site")

Current Zoning of Site: R-20 (Residential: Single)

Proposed Zoning of Site: OT (Office Transition)

Department of Planning and Zoning Recommendation:

APPROVAL



I. DESCRIPTION OF PROPOSAL

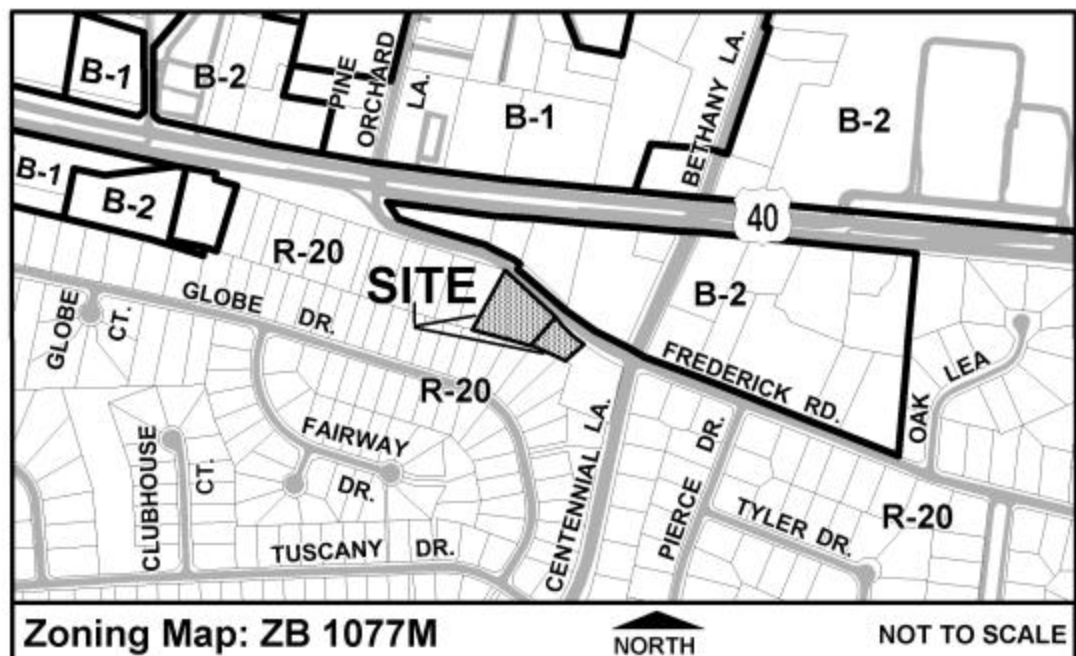
- **The Petitioner proposes a Zoning Map Amendment to rezone the Property from the current R-20 (Residential: Single) District to the OT (Office Transition) District. The OT District is a floating district which is evaluated based on the District Requirements in Section 117.3. and the Standards for Approval of a Petition in Section 117.3.G. There is no evaluation of mistake or change for such a petition.**

The Petitioner states that the OT District regulations were established to create the potential for the redevelopment of residential properties that adjoin commercial areas such as those along Route 40 and Frederick Road for relatively low intensity office developments. This was intended to result in a better transition by having low intensity office use adjoin adjacent residential neighborhood rather than having a higher intensity commercial or retail use adjoin the residential neighborhood.

The Petitioner further states that the Property is located along a part of Frederick Road that runs parallel to a heavily developed commercial section of Route 40 and it is no longer desirable for residential purposes. The proposed redevelopment through the use of architecturally appealing small-scale office buildings with attractively designed landscaping would be compatible with neighboring residential uses and would comply with the OT District Zoning Regulations.

- **The development scenario for the proposed OT District comprises two office buildings and associated parking.**

According to the proposed Preliminary Development Plan (the "PDP") entitled "Zoning Map Amendment Plan for Part of Demirel Property" dated October 9, 2008 the Property would be developed with two, two-story office buildings and associated parking, landscaping and site improvements.



Each office building would have an overall footprint of 50 feet by 60 feet and would comprise a total of 6,000 square feet. Building 1 would be located toward the southeastern portion of the Site and Building 2 would be located toward the northwestern portion of the Site. The buildings would be set back approximately 22.65 feet from Frederick Road. Building 2 would be set back 30 feet from the west property line.

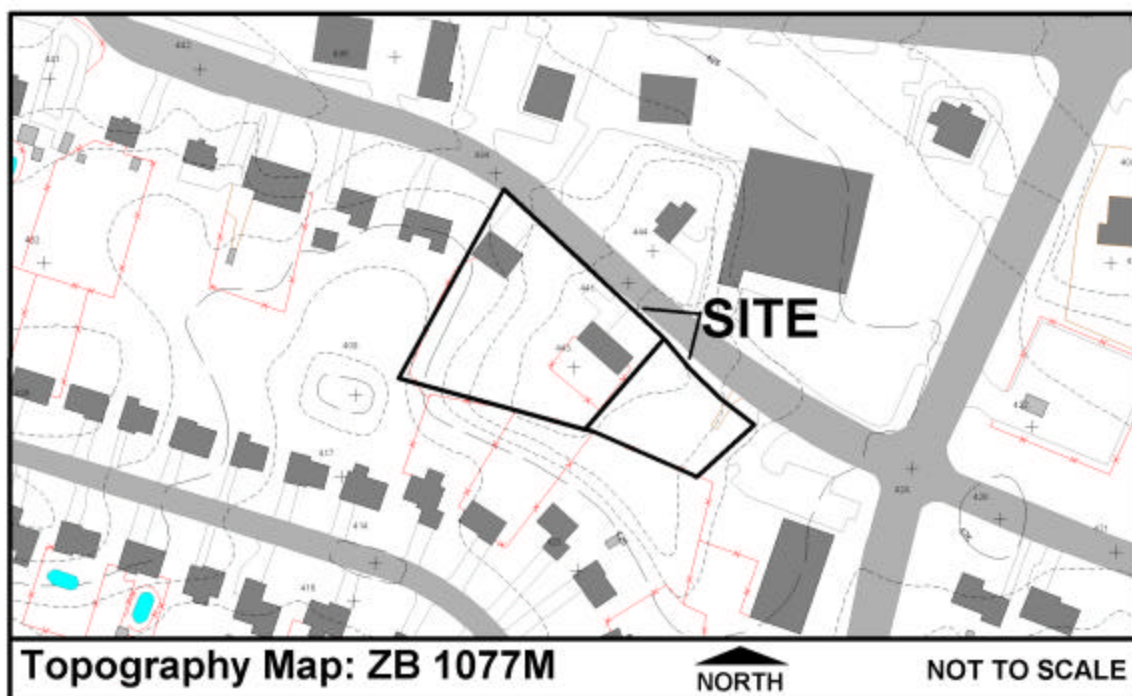
- **Access would be via a 30 foot wide driveway from Frederick Road.**

The entrance driveway would be situated approximately 135 feet from the northwest Property corner and would extend to the south between the proposed buildings. The driveway widens to an approximately 66 foot wide entrance area with five parking spaces on each side. To the west, south and east of the entrance area are 17 parking spaces. A 24 foot wide driveway continues to the east and northeast for a distance of approximately 80 feet and terminates in a parking lot with 15 spaces on the southeasterly side of Building 1. A total of 42 parking spaces including two handicapped spaces are proposed for the Site.

The proposed entrance driveway would be approximately aligned with the entrance driveway of the Centennial Place development across Frederick Road.

- **The proposed hours of operation are 6:00 a.m. until 10:00 p.m. seven days per week.**
- **The PDP depicts landscaping consisting of evergreen trees and shrubs between the parking lot and stormwater management facility, shrubs along the front and rear of the southeast parking lot, and evergreen trees and shade trees along the east and west Property perimeters.**

Landscape schedules required by the Howard County Landscape Manual are included on the plan; however, the corresponding perimeters have not been labeled on the plan, so it is not easily discerned whether the proposed landscaping complies with the Landscape Manual requirements. These requirements will be addressed in detail with the required Site Development Plan.



- **The petition supplement states that according to Exhibits B and E, the Property is currently buffered from the residential parcels to the south (the Fairways subdivision) by lush landscaping and tree cover and that much of this existing vegetation is proposed to be retained.**

The above statement contained in the petition supplement was based upon an earlier submitted plan which is no longer relevant. The current PDP which supersedes the prior plan does not depict any existing vegetation to be retained along the rear of the Site, and the landscape schedules do not depend upon credit for existing vegetation in order to reduce the required amount of landscaping. However, even if the PDP meets the technical requirements of the Landscape Manual, it is recommended that the landscape buffer along the south and west property lines be enhanced beyond the minimum requirements to provide a heavy buffer to adjacent residential properties in order to eventually approximate the wooded nature of the rear of the Site. Although the Petitioner currently owns Parcel 544, Lot 112, the adjoining parcel to the west, it is residentially zoned and may not always remain under the Petitioner's ownership.

- **The PDP depicts a total of nine shielded light poles throughout the parking lot situated primarily at parking lot corners.**

The closest distance from a light pole to a residential structure to the south of the Property is approximately 160 feet, and approximately 75 feet from the residential structure to the west.

- **An enclosed dumpster pad is proposed to be located at the southwest corner of the parking lot and a stormwater management facility is proposed to be located in the southwest corner of the Site to the rear of the dumpster pad.**
- **The topography of the Site is such that there is a high point at the southwest corner of the existing easternmost structure on Parcel 62. In the proposed development, this high point will be located at the southwest corner of Building 2. From this point, the topography drops downhill to the south so the lots of the adjoining Fairways subdivision are below the elevation of the Property. The topography also drops to the east and west. To the southwest of the Site, there is a low point and an existing stormwater management facility at the rear of Lots 26 and 27 of the Fairways subdivision.**

II. ZONING HISTORY

- A. **Case No.: ZB 1022M**
Petitioner: Veli Demirel
Request: To rezone the Property from R-20 to B-1 with site plan documentation for one, two-story commercial building development.
Action: Denied, February 5, 2004
- B. **Subject Property**
 - **The Property was zoned Residential with the initial 1948 Comprehensive Zoning Plan ("CZP"), and was zoned R (Residential) with the 1954 CPZ.**
 - **The 1961 CZP designated the Property as R-20.**

- This R-20 zoning for the Property was retained in the 1977, 1985 and 1993 Comprehensive Zoning Plans.
- The parcel 62 portion of the Property was amendment no. 24.26 in the 2004 CZP, which was a request by the Petitioner to rezone Parcel 62 from R-20 to B-1. The Department of Planning and Zoning recommended that the R-20 zoning be retained, and the County Council voted to retain the R-20 zoning of Parcel 62. The R-20 zoning for the Property was retained in the 2004 Comprehensive Zoning Plan effective April 13, 2004.

C. Adjacent Properties

- The properties to the north across Frederick Road to the west of Centennial Lane were zoned Residential with the initial 1948 CZP, and were established as B-2 with the 1954 CZP.
- This B-2 zoning for these properties was retained in the 1977, 1985, 1993 and 2004 Comprehensive Zoning Plans.
- The abutting property to the east, Parcel 65, was initially zoned Residential, was changed to R with the 1954 CZP, was rezoned to R-20 with the 1961 CZP and has remained R-20 since that time.

III. BACKGROUND INFORMATION

A. Site Description

- The irregularly shaped Property comprises Parcels 62 and 63 totaling 1.52 acres (Parcel 62, 1.101 acres; Parcel 63, 0.419 acres). The Property is located on the south side of Frederick Road approximately 200 feet west of the intersection with Centennial Lane and has approximately 435 feet of frontage on Frederick Road.

Parcel 62 is the site of two residential structures and Parcel 63 is unimproved.

B. Vicinal Properties

- Parcels to the east, west and south are zoned R-20. Parcel 65, the adjoining parcel to the east is improved with the La Petite Day Care Center, approved for a child day care center with Board of Appeals case 86-014E on October 29, 1986. Parcel 544, Lot 112, the adjoining parcel to the west is improved with a single family detached dwelling owned by the Petitioner.
- Across Frederick Road to the north, properties are zoned B-2. From the eastern intersection with Centennial Lane to west these parcels are: Parcel 1056, an existing one-story CVS Pharmacy Building; Parcel 61, Par. A, Centennial Place, the Howard Bank building and retail building currently under construction with SDP 06-068; Parcel 806, developed with a High's Dairy Store; and Parcel 420, the site of an Exxon gasoline service station.

C. Roads

- **Frederick Road has two travel lanes in the vicinity of the Property within an 80 foot wide right-of-way. The posted speed limit for this section of Frederick Road is 35 miles per hour.**
- **Visibility from the proposed driveway entrance appears to be acceptable, with estimated sight distance of more than 500 feet to the east and west. Precise sight distance measurements may only be determined through a detailed sight distance analysis, however.**
- **According to data from the Department of Public Works, the traffic volume on Frederick Road east of Gray Rock Drive was 11,506 ADT (average daily trips) as of June, 2006.**

D. Water and Sewer Service

- **The subject Property is within the Metropolitan District and is within the Existing and Under Construction Service Area of the Howard County Water and Sewerage Master Plan.**

The Property is currently served by public water and sewer facilities.

E. General Plan

- **The Property is designated Residential/Redevelopment Corridor on the Policies Map 2000-2020 of the 2000 General Plan.**
- **Frederick Road is depicted as a Minor Arterial on the Transportation Map 2000-2020 of the 2000 General Plan.**

F. Agency Comments

See attached comments on the proposal from the following agencies:

1. Department of Fire and Rescue Services
2. State Highway Administration
3. Division of Comprehensive and Community Planning

The following agencies had no objections to the proposal:

1. Department of Inspections, Licenses and Permits
2. Department of Recreation and Parks
3. Health Department

G. Adequate Public Facilities Ordinance

- **The petition would be subject to the Adequate Public Facilities Ordinance for the required site development plan.**

IV. EVALUATIONS AND CONCLUSIONS

A. Evaluation of petition according to Section 117.3.B. of the Zoning Regulations (Requirements For OT District:

The OT district may be established at a particular location if:

1. The site has frontage on and direct access to an arterial road. The Site has frontage on and direct access to Frederick Road, a Minor Arterial. The petition complies with this Section.
2. The site abuts or is directly across a public street from a nonresidential zoning district that is zoned for commercial or employment uses, but not another OT district. The Site is directly across Frederick Road from a non-residential zoning district that is zoned and used for commercial/retail uses. The petition complies with this Section.

B. Evaluation of petition according to Section 117.3.G. of the Zoning Regulations (Standards for Approval of a Petition:

1. The OT district is established to allow low-impact office uses adjacent to areas of residential zoning. The OT district is a floating district that will provide a transition along the edges of residential areas impacted by nearby retail/employment areas or arterial highways carrying high volumes of traffic. The standards of this district should result in small-scale office buildings on attractively-designed sites that are compatible with neighboring residential uses.

The proposed development would consist of two, two-story office buildings which, in meeting the 34 foot height limitation for the district would be compatible in scale with surrounding two-story residential dwellings. The proposed buildings would incorporate residential design elements such as a stone façade, residentially-scaled windows and a porch at the main entrance which allow them to blend cohesively with surrounding residential uses.

The Property is situated between parcels to the west which are residentially zoned, and a parcel to the east which although residentially-zoned is in use as a non-residential day care center use. The residential structures to the west which face Frederick Road were constructed primarily in the 1950s and 1960s and are generally smaller in scale than typical dwellings currently being constructed, while the newer subdivision to the south of the proposed development reflects current architectural styles.

The proposed buildings are of contemporary architectural style and incorporate residential design elements which would provide a visual compromise between standard commercial/office development and contemporary residential architectural design. The Site is designed so the office buildings will face commercial land uses across Frederick Road, and will be oriented rear-to-rear to the properties to the south. The proposed development scenario would be consistent with the policies of the Route 40 Enhancement Study which recommends facing similar land uses toward each other on opposite sides of a road and orienting different land uses that adjoin without a buffer in a rear-to-rear orientation rather than a face-to-face orientation. Additionally, the Property is located on a Minor Arterial and the proposed low-impact office use in this location will provide an appropriate use-transition between the nearby commercial uses, the non-residential use to the east, and the residential areas to the south and west.

2. The petition meets the requirements of Section 117.3.B. as evaluated in Section IV.A. of this Technical Staff Report.
3. The Petitioner has submitted a Sight Distance Plan (Exhibit C) which states that sight distance at the intersection of the proposed access driveway and Frederick Road is greater than the required 335 feet for vehicles approaching from the west and greater than the required 285 feet for vehicles approaching from the east. The stopping distance at the proposed access driveway and Frederick Road is greater than the required 250 feet for vehicles approaching from either the west or east. In addition, the Petitioner proposes to establish a line of sight easement across Parcel 62 and Parcel 544, Lot 112 which is owned by the Petitioner to ensure the preservation of safe and adequate access and sight distance from the proposed driveway entrance. The proposed location of the landscape buffer along the northern lot line of Parcel 62 has been adjusted to improve the sight distance along Frederick Road.

The petition also includes a Speed Study (Exhibit D) and an Access Analysis (Exhibit E). Based on these studies, acceleration/deceleration lanes are not proposed. Precise sight distance measurements and access issues will be more accurately evaluated at the site development plan stage.

4. As discussed on Page 2 of this Technical Staff Report, the PDP includes a landscape plan which will be required to meet the criteria of the Landscape Manual. However, it is recommended that the landscape buffer along the south and west property lines be enhanced beyond the minimum requirements to provide a heavy buffer between adjacent residential properties and the proposed office use and parking areas.
5. Except for the entrance driveway, parking areas and driveways are primarily oriented toward the rear of the Site, but are situated as far from neighboring residential land uses as possible. The parking area would be situated approximately 150 feet from the closest residential structure to the south. Screening will be provided in accordance with the requirements of the Landscape Manual and there is adequate space along the south and west property lines to provide additional screening from residential land uses if required.
6. The impervious area of the Site is 44 percent, so the petition meets the criterion of this section that no more than 50 percent of the Site may be covered by impervious surfaces.
7. This section states that generally, no building should be larger than 5,000 square feet of gross floor area, although the Zoning Board may allow larger buildings if it finds that the design is such that the building will be compatible with the general character of neighboring residential structures.

The petition supplemental information dated October 8, 2008 states that the proposed improvements reflect the modern trends in residential architecture along Frederick Road and neighboring subdivisions in the vicinity. While most of the older residential structures along Frederick Road constructed in the 1950s and 1960s consist of one-story single family dwellings of approximately 1,000 to 2,000 square feet, modern construction of the 1980s to present day in neighborhoods such as the Fairways to the south of the Property and Gray Rock to the east consist almost exclusively of two-story single family dwellings ranging from 2,000 to 3,900 square feet. Many of these modern residences as well as some in older neighborhoods comprise stone or brick exteriors, front column supports, and pediments similar to the styles depicted on the submitted elevation drawings. Furthermore, residential structures along this

commercialized portion of Frederick Road either adjoin or face commercial/institutional uses.

Although the proposed buildings comprise 6,000 square feet, due to their architectural design incorporating residential elements, the buildings would be in scale and compatible with residential structures in the vicinity.

8. The petition states that shielded lighting will be located at strategic locations throughout the Site which will reduce the impact of light pollution on neighboring properties and preserve security on the Site. The closest distance from a light pole to a residential structure to the south of the Property is approximately 160 feet, and approximately 75 feet from the residential structure to the west. Lighting will be shielded and must comply with Section 134 of the Zoning Regulations which includes the regulation of light trespass and would not adversely impact the adjoining residential neighborhood. The proposed hours and days of operation, 6:00 a.m. until 10:00 p.m. seven days per week are atypical for office use; however, it would seem reasonable to presume that the majority of office use would cease by more typical early evening hours and that only a few offices would remain in use during later hours or on weekends. The Petitioner should provide details about the nature and approximate number of offices anticipated to be open beyond a typical early evening closing time and on weekends.
- The Property's location on a Minor Arterial across from commercially zoned and used properties, and adjacent to residential uses and a residentially-zoned but non-residentially used property provides the type of low-impact transition use for which the OT district was created, and makes it well situated for rezoning to OT.

IV. RECOMMENDATION

APPROVAL

For the reasons noted above, the Department of Planning and Zoning recommends that the request to rezone the Property from R-20 to OT be **APPROVED**.

1. The hours of operation shall be approved by the Zoning Board.

Marsha McLaughlin, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

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